

75534

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
MAR 26 2015
SC Court of Appeals

APPEAL FROM THE HORRY COUNTY
Court of Common Pleas

Deadra L. Jefferson, Judge

Circuit Court Case No.: 2013-CP-26-8139
Circuit Court Case No.: 2014-CP-26-1691

Daniel B. Dorn, in his Capacity as the Parent and Natural Guardian of Esti Dorn, Reuvi Dorn, and Yosse Dorn Appellant

v.

Paul S. Cohen and Susan Cohen, Individually and in their capacity as the Co-Conservators of the person of Abbie Ilene Dorn, a protected person and ward, and in their capacity as Co-Trustees of the Abbie Dorn Special Needs Trust Respondents.

Circuit Court Case No.: 2013-CP-26-8152
Circuit Court Case No.: 2014-CP-26-1744

Esti Dorn, Reuvi Dorn, and Yosse Dorn, the Living Issue of Abbie Ilene Dorn Appellants

v.

Paul S. Cohen, M.D. and Susan Cohen, and the South Carolina Department of Health and Human Services Respondents.

MOTION TO CONSOLIDATE RELATED APPEALS

Appellant, Daniel B. Dorn, in his Capacity as the Parent and Natural Guardian of Esti Dorn, Reuvi Dorn, and Yosse Dorn, and Appellant, John Kachmarsky, as Attorney and Guardian Ad Litem for Appellants Esti Dorn, Reuvi Dorn, and Yosse Dorn, the Living Issue of Abbie Ilene, hereby move to consolidate the four above-referenced appeals, which involve the same parties and related issues. These appeals arise from two probate court cases (which were consolidated for trial by the probate judge) wherein Mr. Dorn, the custodial parent of three children, is in a dispute with Mr. and Mrs. Cohen, the parents of Abbie Dorn, Mr. Dorn's ex-wife and mother of the three children. Abbie Dorn was rendered totally mentally and physically incapacitated at the birth of the children. These disputes arise from allegations that, as conservators and trustees, the Cohens are mismanaging the Abbie Dorn Special Needs Trust. The consolidated trial in probate court began on February 25, 2013, continued on February 26, March 4-7, 2013, and was recessed at 8:49 PM on March 7, 2013, and in the midst of trial the Probate Judge entered several orders which are the subject of these appeals and which the appellants believe affect the substantial rights and/or mode of the trial. Early on, the Probate Judge appointed John Kachmarsky to serve as Attorney for and Guardian Ad Litem for the children in the second-filed case, after objection was lodged against Mr. Dorn serving in that role, as he does in the related case.

This motion is being made pursuant to Rule 214, SCACR "Where there is more than one appeal from the same order, judgment, decision or decree, or where the same question is involved in two or more appeals in different cases, the appellate court may, in its discretion, order the appeal to be consolidated." As the parties and issues in each case are substantially the same and as these appeals arise from the same consolidated probate court trial, it would be more efficient for the court and the parties if these four actions were consolidated under one Court of Appeals case number for briefing purposes.

March 24, 2015



John A. Massalon, Esquire
Christy Ford Allen, Esquire
WILLS MASSALON & ALLEN LLC
Post Office Box 859
Charleston, South Carolina 29402
(843) 727-1144
jmassalon@wmalawfirm.net
callen@wmalawfirm.net

and

Daniel S. Slotchiver, Esquire
Slotchiver & Slotchiver, LLP
44 State Street
Charleston, SC 29401
(843) 577-6531
dan@slotchiverlaw.com
ATTORNEYS FOR APPELLANT
DANIEL B. DORN, IN HIS CAPACITY
AS THE PARENT AND NATURAL
GUARDIAN OF ESTI DORN,
REUVI DORN AND YOSSE DORN

and

John A. Massalon, Esquire
Christy Ford Allen, Esquire
WILLS MASSALON & ALLEN LLC
Post Office Box 859
Charleston, South Carolina 29402
(843) 727-1144
jmassalon@wmalawfirm.net
callen@wmalawfirm.net
ATTORNEYS FOR APPELLANTS
BY JOHN KACHMARSKY, ESQUIRE
COURT APPOINTED ATTORNEY AND
GUARDIAN AD LITEM FOR ESTI
DORN, REUVI DORN, AND YOSSE
DORN, THE LIVING ISSUE OF ABBIE
ILENE DORN

CHARLESTON, SC

March 24, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
MAR 26 2015
SC Court of Appeals

APPEAL FROM THE HORRY COUNTY
Court of Common Pleas

Deadra L. Jefferson, Judge

Circuit Court Case No.: 2013-CP-26-8139
Circuit Court Case No.: 2014-CP-26-1691

Daniel B. Dorn, in his Capacity as the Parent and Natural Guardian of Esti Dorn, Reuvi Dorn, and Yosse Dorn Appellant

v.

Paul S. Cohen and Susan Cohen, Individually and in their capacity as the Co-Conservators of the person of Abbie Ilene Dorn, a protected person and ward, and in their capacity as Co-Trustees of the Abbie Dorn Special Needs Trust Respondents.

Circuit Court Case No.: 2013-CP-26-8152
Circuit Court Case No.: 2014-CP-26-1744

Esti Dorn, Reuvi Dorn, and Yosse Dorn, the Living Issue of Abbie Ilene Dorn Appellants

v.

Paul S. Cohen, M.D. and Susan Cohen, and the South Carolina Department of Health and Human Services Respondents.

PROOF OF SERVICE

I certify that I have served the Motion to Consolidate Related Appeals by depositing a copy of it in the United States Mail, postage prepaid, on March 24, 2015, addressed to:

Reese R. Boyd, III, Esquire
Bret H. Davis, Esquire
Davis & Boyd, LLC
1110 London Street, Ste. 201(
P.O. Box 15358 (29587)
Myrtle Beach, South Carolina 29577
(843) 839-9800
reese@boydgoldfinch.com
bdavis@davislawfirm.us

ATTORNEYS FOR RESPONDENTS
PAUL S. COHEN AND SUSAN COHEN

Lynette Rogers Hedgepath, Esquire
The Hedgepath Law Firm, PA
207 Beaty Street
Conway, South Carolina 29526
(843) 488-3161
lynette@sccoast.net

COURT APPOINTED ATTORNEY
FOR ABBIE ILENE DORN

Virginia Lee Moore, Esquire
Moore, Johnson & Saranti
1271 Glens Bay Road
Surfside Beach, South Carolina 29587
(843) 650-9757
moore@grandstrandlawyers.com

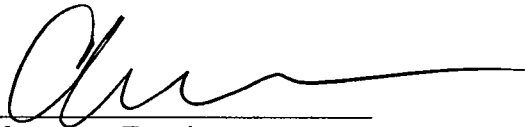
ATTORNEYS FOR AND GUARDIAN
AD LITEM FOR ABBIE ILENE DORN

Shealy B. Reibold, Esquire
The South Carolina Department
of Health and Human Services
Post Office Box 8206
Columbia, South Carolina 29202

ATTORNEY FOR THE SOUTH
CAROLINA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

John Kachmarsky, Esquire
Law Office of John Kachmarsky
171 Church Street, Suite 330
Charleston, South Carolina 29401
(843) 720-3724
johnk@jktaxlaw.com

COURT APPOINTED ATTORNEY
AND GUARDIAN AD LITEM FOR
ESTI DORN, REUVI DORN AND
YOSSE DORN



John A. Massalon, Esquire
Christy Ford Allen, Esquire
WILLS MASSALON & ALLEN LLC
Post Office Box 859
Charleston, South Carolina 29402
(843) 727-1144
jmassalon@wmalawfirm.net
callen@wmalawfirm.net

and

Daniel S. Slotchiver, Esquire
Slotchiver & Slotchiver, LLP
44 State Street
Charleston, SC 29401
(843) 577-6531
dan@slotchiverlaw.com
ATTORNEYS FOR APPELLANT
DANIEL B. DORN, IN HIS CAPACITY
AS THE PARENT AND NATURAL
GUARDIAN OF ESTI DORN,
REUVI DORN AND YOSSE DORN

and

John A. Massalon, Esquire
Christy Ford Allen, Esquire
WILLS MASSALON & ALLEN LLC
Post Office Box 859
Charleston, South Carolina 29402
(843) 727-1144
jmassalon@wmalawfirm.net
callen@wmalawfirm.net
ATTORNEYS FOR APPELLANTS
BY JOHN KACHMARSKY, ESQUIRE
COURT APPOINTED ATTORNEY AND
GUARDIAN AD LITEM FOR ESTI
DORN, REUVI DORN, AND YOSSE
DORN, THE LIVING ISSUE OF ABBIE
ILENE DORN

CHARLESTON, SC

March 24, 2015